IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR
S.B. Civil Writ Petition No.245/2007
Smt.Kamla vs. MACT & Ors.

24.08.2007

Hon'ble Mr. Justice Mohammad Rafiq

Shri D.S. Jadoun, for petitioner.
Shri Chandra Deep Singh for Shri Virendra Agarwal, for respondent No.5.

The petitioner has challenged the order dated 28.9.2006 whereby an amount of Rs.25,000/- has been awarded as compensation and the Insurance Company was directed to deposit the same with interest in the Tribunal within a period of two months, but a condition was imposed to the effect that the claimant can withdraw the amount of compensation only on production of security from the owner of the vehicle.

Challenge was made on similar grounds to the condition requiring the claiming to submit solvent security from the owner of the vehicle in number of similar

writ petitions in the past. Coordinate benches of this Court in Smt. Rama & Balwant Singh, S.B. Civil Writ Petition No.71/06, Banwari Lal Vs. Gopi Ram, S.B. Civil Misc. Appeal No.481/05, Sheoji Ram Mali Vs. The Judge, ADJ (F.T.) No.7, Jaipur & City & Ors., Kumari Nargis Vs. Karan Singh & Ors., S.B. Civil Misc. Appeal No.356/05 & Manju (Smt.) & Ors. Vs. Addl. District & Session Judge & Ors. and by this Court in Smt. Uganti Devi & Ors. Vs. MACT, Jaipur City & Ors., S.B. Civil Writ Petition No.2999/07 wherein it was held that the aforesaid condition is unreasonable and unjustified and therefore that was waived.

Learned counsel for the respondent during the course of arguments brought to the notice of the Court that the insurance company has already preferred appeal against the award passed by the MACT and therefore direction may be issued to make payment of the amount of compensation awarded by the

Tribunal.

Considering the submissions, it is clarified that the present writ petition is allowed only with the limited direction that the condition imposed in the award that payment of compensation shall be made on production of security from the owner of the vehicle shall not be acted upon. As and when the appeal filed by the respondent insurance company is decided and in the event of award being upheld, the petitioner herein would be entitled to receive compensation without being the required to furnish any security by owner/driver of the vehicle.

The writ petition is allowed in terms of these directions.

(Mohammad Rafiq),J.

Rs/-